

**Michigan Water Resources Conservation Advisory Council
August 14, 2009 Meeting Summary**

The Friday August 14, 2009, WRCAC Meeting was held in the Conference Room of the MUCC Building at 2101 Wood Street in Lansing Michigan from 10:00 to 2:00.

Council members in attendance were Sumedh Bahl, James Clift, Jon Coleman, Frank Ettawageshik, Dr. Jo Latimore, Peter Manning, Timothy Neumann, Michael Newman, Scott Piggott, Frank Ruswick, Dr. Paul Seelbach, Richard Slevatz, and Dr. Pat Soranno.

Absent members were Jon Allan, Dr. Bryan Burroughs, Michael Gregg, Craig Hoffman, Mark Lemons, Bob Walther, Samuel Wendling and Paul Zugger.

Guests present were Jim Cleland, Abby Eaton, Pat Fouchey, Fred Goldberg, Dave Hamilton, Bill Maier, Steve Miller, Tammy Newcomb, Jim Nicholas, Sue Pemberton and John Wuycheck.

Welcome – Housekeeping items – Review agenda and goals for the day Scott Piggott
Before the meeting started Pat Fouchey collected for lunch. At 10:10 Scott Piggott asked if everyone had paid Pat Fouchey for lunch.

Scott Piggott asked everyone to introduce themselves with everyone present introducing themselves.

The agenda was reviewed.

It was decided that each council member will inform Pat Fouchey at least 2 weeks before a WRCAC Meeting if they will or will not be attending. If a meeting is cancelled, the cancellation will occur not less than 1 week before the meeting.

Report on presentation to the Senate

Scott Piggott talked about the update given on Wednesday, July 15, 2009, to the Senate's Natural Resources and Environmental Affairs Committee. Unlike the report given to the House Great Lakes Committee on June 11, because it had a lot of new members, this report just gave an overview of our work.

Subcommittee Reports

Impacts on Lakes + +

Dr. Pat Soranno

Dr. Pat Soranno talked about the Impacts on Lakes + + process. She said the next Impacts on Lakes + + Subcommittee Meeting will be on September 9. The subcommittee will then wrap up their final attempts at data analysis. The subcommittee would not have a draft before August 25. The subcommittee will discuss the draft at their September 9 Meeting. At the September 11 WRCAC Meeting the subcommittee will present the direction and then write a report to be distributed over email.

Tool Recommendations

Dr. Paul Seelbach

Dr. Paul Seelbach discussed the tool recommendations report. The first section of the report will talk about a process for the future refinement of the tool. The second section suggests a technical committee be formed. We want to be proactive. The last issue is regarding down river accounting. Over the last three months brought forth and made the recommendation and implemented flagging rivers where upriver cold segments are critical to maintaining the colder temperatures in the downriver segment. As a follow up section 3 of the report is a discussion of the

headwaters being warm. Scott Piggott asked if I'm taking water from these areas would the tool still work. Dr. Paul Seelbach replied yes. Dr. Paul Seelbach said he is very happy with the ideas brought forward from the Tool Recommendation Subcommittee Members. Had a diverse membership on the subcommittee. Very grateful for all their time and effort.

Law Conflict

Peter Manning

Peter Manning said the Law Conflict Subcommittee only had 1 meeting. The charge of the subcommittee is to look to see if any conflicts in the law. Don't see any conflicts. He will get a draft out before the next meeting.

Conservation

Scott Piggott

Scott Piggott said the Conservation Subcommittee has a 20-some page long draft. *Scott Piggott said every Great Lake Compact State must have a Waster Use Conservation and Efficiency Initiative.* Wisconsin was the first state. They adapted what the Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement put forward. Our subcommittee believed we want to follow those lines also. The first initiative is to adopt a Michigan Water Conservation and Efficiency Initiative. The second initiative suggests Michigan work with the other Great Lakes states to develop a conference for states to share information. The last initiative is that this subcommittee continues to function as a committee.

Frank Ruswick asked whose role it is to adopt the conservation plan. Scott Piggott indicated that the Wisconsin DNR implemented their plan. We need to see who in Michigan would take that step.

Preventative Measures

The Preventative Measures Subcommittee is set to meet in Lansing on August 31, 2009. Scott Piggott said do we have any preventative measures besides taking out a dam. Abby Eaton said a preventative measure would be to change from surface pumping to groundwater pumping. Frank Ettawageshik said reforestation along the riverbeds is a preventative measure.

Educational Materials

Jon Coleman

Jon Coleman said the subcommittee needs to meet fairly soon. He will be setting up a subcommittee meeting date.

The first page of the report will be the introduction. The brief of what is our charge is simple but very broad. The second section emphasizes the requirements for the water users groups and educational committees. The third section will discuss how water user groups and assessment / education committees might form and use information. Rita Jack is working on that section. Section IV will be a materials inventory. DEQ staff provided some assistance in developing this report. The report will have a list of recommended materials. Basic information will be listed first than more technical.

Jim Cleland said DEQ has to provide notices with zone b withdrawals to those who are interested. At this time no one has notified the DEQ of their interest. If a committee is established it needs to be recognized and posted. Getting those groups identified is going to be difficult.

Re-setting of report timeline to new October 9 deadline

Scott Piggott

James Clift said the final report will be like having five different chapters. Each subcommittee report should have the same format. The Executive Committee can give a format / process.

The report will have an executive summary. Scott Piggott said would like to have final draft two weeks before the October 9, 2009, meeting.

Lunch

A Taco Bar Buffet Lunch was served.

Thanks to MUCC for allowing the Water Resources Conservation Advisory Council Meeting to be held in their Conference Room.

Update on budget impacts to program

Frank Ruswick

Frank Ruswick said continued budget reductions will prevent the DEQ from fully implementing the program. DEQ is not alone in funding cuts; many state programs are suffering from the reduction in general fund revenues. The DEQ is holding vacancies throughout the department and does not expect to be able to fill any positions in the near future.

Jon Coleman said 10 AmeriCorp awards have been given to Ingham County. Target is environmental work. The cost for an entire year is \$7,500. Only available throughout Ingham County. Peggy Roberts available at proberts@ingham.org is heading up the program.

Notice/discussion regarding meeting at MSU on the 26th regarding the assessment tool

Steve Miller

Steve Miller (Mill1229@MSU.edu) will be speaking on September 26. Had a request to meet with DEQ. This is an information sharing meeting. It will be at the secondary complex. Dr. Pat Soranno, Dr. Jo Latimore, Dick Slevatz and Scott Piggott from the Council have been invited.

2:24 Issues with "zone D" registrations via the assessment tool prior to July 9

David Hamilton

Dave Hamilton informed the council about questions being raised regarding registration occurring when in Zone D prior to July 9. Starting October 1, 2008, to February 1, 2009, DEQ had to keep track of withdrawals to make sure none over line. Between February 1 and April 9, 2009, had 13 based on tool projections. Nine in Southwest area of state. One mid state, 2 in northern part of state. Six in cold water sections, 3 cold transitional, 3 cool, and 1 warm stream.

Steve Miller asked about direct withdrawals; how are they recorded. Dave Hamilton said not recording yet.

Scott Piggott asked how did they get registered. Dave Hamilton said DEQ was allowing registration so they did register but tool wasn't legally functioning. Dick Slevatz asked what will be done. Dave Hamilton said each will need to have a site specific review done.

Discussion of letters forward by J. Wuycheck of DEQ regarding lake withdrawal

John Wuycheck

Scott Piggott brought copies of the email / letter that were distributed titled: *ROUND/SAWDUST LAKE - PINE TOWNSHIP, MONTCALM COUNTY*. John Wuycheck, Aquatic Biologist, Ground Water Withdrawal and Contamination Investigation Unit, Drinking Water and Environmental Health Section Water Bureau said in the email it says the pumping drew down the lake about 8 inches. After consultation with staff it was determined that DEQ had no recourse. If the tool is used, the withdrawal comes out as a zone b withdrawal. A reply letter was written by Abby Eaton— attachment 1. Scott Piggott commented on Abby's well written letter. Abby Eaton said since DEQ can't do anything about the issue, haven't spent a lot of time on it. This is not the

only issue of this type that DEQ has had. The DEQ has had calls from about 4 different locations. Dave Hamilton said must inform public of riparian rights.

Next Meetings

September 11, 2009, from 10:00 – 3:00 - Mason Building, 530 W. Allegan Lansing Michigan
7th Floor East Conference Room
Boxed Lunch – attachment 2

October 9, 2009, from 10:00 – 3:00 - MUCC at 2101 Wood Street in Lansing Michigan

Note: There are no meetings scheduled for November or December

Attachment 1



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

DON KOIVISTO
DIRECTOR

July 7, 2009



Re: Large Quantity Water Withdrawal from Sawdust Lake

Dear Ms. Pratt:

I spoke with [REDACTED] on July 2nd. He reported that he is operating a 500 gpm pump that pulls water from Sawdust Lake which he uses to water 80 acres of farmland. He owns the property from which he pumps and is therefore considered a riparian owner. As I explained to you on the phone, there is little in statute that addresses your particular concern with this withdrawal. Your best course of action would be through civil court. Please find enclosed some information on water rights and specifically riparian law in Michigan which you may or may not find useful.

I have highlighted the section of the document that will be of most interest to you. As you will see, people on a lake (riparians) do have legal rights they can exercise through a lawsuit to protect their interest in, in this case, Sawdust Lake. The lawsuit would necessitate action on the basis of "riparian rights and reasonable use" doctrine. Such an argument is a legal matter where the burden of proof lies with the accuser. Under the riparian rights and reasonable use doctrine, a water use is deemed reasonable if the use does not interfere with the use of the resource by other riparian users. The riparian users of Sawdust Lake would have to demonstrate harm to the resource and their ability to utilize that resource, and also show that the withdrawal by the irrigator is the cause of this harm and is, therefore, unreasonable.

Feel free to contact me at 517.241.3933 if you have additional questions.

Sincerely

Abigail S. Eaton
Environmental Resource Specialist
Environmental Stewardship Division

Enclosures

Attachment 2

Event Name: Friday September 11, 2009, WRCAC Meeting in Mason Building on 7th floor

Name: _____.

PRINT NAME HERE

BREAD (Choose One) – Circle or type an x before your choice or delete all but your choice.

Honey Wheat

White

9-Grain

MEAT–Circle or type an x before your choice (Choose One, extra meat \$1.50)

Ham

Tuna Salad

Turkey

Chicken Salad

Roast Beef

Egg Salad

CHEESE (Choose One, extra cheese 25Cents)– Circle type an x before your choice

Cheddar

Provolone

Swiss

CONDIMENTS - Circle or type an x before your choice

Mayonnaise

Mustard

Honey Mustard

VEGGIES (all 5 make a great Veg. Sand.) – Circle or type an x before your choice(s)

Lettuce

Tomatoes

Cucumbers

Carrots

Red Onion

Combo comes with a sandwich, drink, chips & cookie For a Combo: Choose a drink and Cookie

Choice of Drink

Cookie

Coke

Diet Coke

Diet Pepsi

Diet Sprite

Pepsi

Sprite

Arizona Ice Tea

Oatmeal Chocolate Chip Walnut

Traditional Chocolate Chip

Oatmeal Raisin

Molasses

Sandwich only is \$5. Combo is \$8. You may bring your own lunch if you prefer.

Fax back to Pat at 586-465-7504 by or email

back at fouchevp@michigan.gov By Tuesday September 8 (I will be collecting payment before the meeting)